IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7365 of 2007(S)

CMP.3871/2007 of II ADDL. DISTRICT COURT, PALAKKAD
CRIME NO.223/07 OF NENMARA POLICE STATION

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: PETITIONER/IST ACCUSED

SHIBU, S/O. KRISHNAN,AGED 25 YEARS
KUNNATHUPARAMBU, VITHANASSERY,
NENMARA, PALAKKAD DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS: STATE

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1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

2. THE SUB INSPECTOR OF POLICE
NENMARA POLICE STATION
PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7365 of 2007

Dated this the 12th day of December, 2007

ORDER

Application for anticipatory bail. Petitioner is the 1st accused. He along with 7 others faces allegations in a crime registered under Section 308 I.P.C. The other accused persons are not named in the F.I.R. In the course of investigation, some of them have been ascertained and some of them have been granted anticipatory bail by the Sessions Court. The petitioner, who is named in the F.I.R, apprehends imminent arrest. The alleged incident took place on 18.09.07. Prior personal animosity is the alleged motive. The weapon used is a wooden stick. The injured has suffered only minor injuries as per the wound certificate, submits the learned Public Prosecutor .

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The defacto complainant has political clout and that is the reason why exaggerated allegations under Section 308 I.P.C are being raised against the petitioner. The facts and circumstances do not at all justify the allegation

raised under Section 308 I.P.C. The petitioner is willing to co-operate with the investigator. Subject to any appropriate terms and conditions, the petitioner may be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application. There are no circumstances specifically shown at the moment to justify the raising of allegation under Section 308 I.P.C. I am satisfied in the facts and circumstances of this case that the petitioner can be granted anticipatory bail subject of course to appropriate terms and conditions.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 19.12.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and

3 p.m on 21.12.2007 and 22.12.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 19.12.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 19.12.07.

(R.BASANT, JUDGE)

rtr/-